Appln. No. 09/810,903
Amendment
Reply to Office Action dated Feb. 26, 2004

Docket No. 6979-1

REMARKS

The foregoing amendments and these remarks are in response to the Final Office Action dated February 26, 2004. This amendment is filed with a request for a three month extension of time, and a Request for Continued Examination.

At the time of the Office Action, claims 1-25 and 29-52 were pending in the application. In the Office Action, Claims 1-10, 14-25, 29-38 and 42-52 were rejected under 35 U.S.C. §102(e). Claim 19 was rejected under 35 U.S.C. §103(a). Claims 13 and 41 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form. Claims 11, 12, 39 and 40 were objected to. The rejections are discussed in more detail below.

I. Claim Rejections on Art

In the Office Action, claims 1-10, 14-18, 20-25, 29-38 and 42-52 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,456,900 to Kakuta. Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kakuta in view of U.S. Patent No. 6,323,782 to Stephens et al. Applicant respectfully submits that neither Kakuta nor Stephens disclose or suggest the features recited by the present claims, either singly or in combination.

Applicant has amended claims 1 and 29 herein to fully differentiate the claims of the present application from the cited prior art. Applicant notes that the disclosure of Kakuta involves a merchandise delivering system designed to accept an order from a customer and facilitate delivery of the ordered merchandise to a storage locker system from which the customer can pick up the order. The system of Kakuta focuses on protecting the privacy and security of customer information with features that allow for delivery and pickup to an unspecified customer (the system does not require the customer to provide basic information such as their name or address).

The system and method claimed in the present application overlaps with the Kakuta system, and similar prior art references, in the respect that such systems allow recipients to pick up packages from an unattended automated storage system in a self-service manner, however there are some important differences between the prior systems and the present system and method as recited in the claims.

Important differences between the cited prior art references and the present method and system are apparent in the steps of a method of efficient bulk delivery defined in the present claims. Those steps can be categorized into two areas – delayed package creation and grouping packages for bulk delivery to pickup locations. Because the system of Kakuta and the systems of the other cited prior art references do not discuss the process of creating packages to fulfill customer orders or a method to organize packages for delivery to their storage systems, one must assume the traditional delivery process of conventional package shippers (e.g. UPS, FedEx, USPS). The traditional delivery process of conventional package shippers involves using sophisticated technology to organize a large number of packages for delivery to a large number of destinations. Conventional delivery companies use distribution centers to sort and route packages of ordered items onto trucks bound for geographic markets where the packages will be delivered. The conventional delivery companies do not create the packages they deliver and they do not group the packages for bulk delivery (delivery of multiple packages for multiple recipients to a single location) to pickup locations from which many recipients can pickup their packages.

From the viewpoint of a conventional delivery company, delivering a package to a storage system located in a public location or at a recipient's apartment building as shown in the cited prior art references is not much different than delivering a package to any other specified address – the address where the storage system is located is the address for the package and it can be assumed that a conventional delivery company would treat that address the same as the address of a package to be delivered to a person's home or office without the use of a storage system. It becomes one more address to be organized into a delivery route of many sequential stops with a goal of minimizing travel time while stopping at a large number of delivery addresses. While a conventional delivery company can deliver more than one package to a location (regardless of whether or not a storage system is used), because the systems they use to route packages are designed for organizing packages for delivery to many different addresses within a geographic area, and thus for sequential package delivery, they do not associate identifiers of packages with identifiers of pickup locations to group together packages destined for different recipients for delivery to a pickup location.

Furthermore, the conventional delivery of more than one package to a single location, for example to a locker unit as in the system of Kakuta, does not involve the positive step of grouping the

packages based on an association of the article identifier and a destination centralized pickup location identifier. Although two or more packages may coincidentally be delivered to an automated system at the same address in a conventional delivery system, they are not grouped together for delivery to that address. Each one is organized sequentially in a larger sequence of deliveries, for example, in common practice by zip code or delivery route. The fact that the sequence of a few deliveries may be to the same address does not change the fact that they are part of a sequential delivery method and not a grouping of many packages to be delivered to one location. Thus, Kakuta and the other cited prior art references do not teach or suggest the positive step of grouping the packages together to provide efficiencies in bulk delivery.

Design differences in the systems of the cited prior art references further demonstrate that those systems were not designed for bulk delivery. In the method of Kakuta, for example, the locker bins are reserved at the time an order is taken and the person delivering the package must find the specific locker reserved for the package. This reduces delivery efficiency, which may not be problematic for the delivery of a single package, but which causes problems for bulk delivery of multiple packages, as in the present application.

While Kakuta and the other referenced prior art do not even discuss the steps involved in sourcing items for orders, creating packages to fulfill the orders, or organizing the packages for delivery to storage systems, the specification of the present system and method goes to great length to describe the detail steps involved in a new process that achieves great efficiencies across the processes of order fulfillment, product distribution, and delivery. The present system and method demonstrate capabilities for aggregating quantities of ordered items across many orders received within a given time period, picking cases of those items to meet the demand of the aggregated orders, distributing the items through distribution centers to transport the items across large distances packed efficiently in cases organized by a common item identifier (each case containing only one type of item or SKU), and then sorting and picking the items from the cases to create packages for a recipient (reorganizing the ordered items into packages containing multiple SKU's for a specific recipient) at a distribution center that is close to the pickup location to which the package will be delivered. The advantages of moving ordered items in cases containing only one item SKU is that it can reduce transportation costs significantly, since the items are packed more efficiently than if they had been packed with items

having different shapes and sizes, as a package created for a recipient would be. This is the way that store-based retailers transport items in bulk to retail locations to be displayed for sale, and because the items are designed by their manufacturer to be shipped in this manner the wasted space that would be incurred within a package containing ordered items of different shapes and sizes can be eliminated. The amount of wasted space in packages of the traditional delivery fulfillment method is substantial, and the packing inefficiency is experienced across the entire distance those packages travel (all the way from the retailer's fulfillment site, through distribution hubs, to the delivery destination). The system and method defined in the present claims organizes the ordered items and their corresponding order information to achieve the same transport efficiency that store-based retailers achieve in shipping items to their stores in bulk by the case load. In the present system and method, items travel most of the distance of their journey from a retailer's fulfillment site packed efficiently in cases, because packages are not created for recipients until much later in the distribution process. The steps of this new method of order fulfillment and distribution (that was referred to earlier as delayed package creation) are described in detail in the specification of the present system and method and are noted most prominently in claims 3–6 and 31–34.

Because the present system and method is designed for bulk delivery, the specification goes on to describe the steps of associating the article identifiers of created packages with the identifier of the destination centralized pickup location to which the packages will be delivered. The specification shows that this association can be made at the time the package is created and that the packages are grouped together for delivery by the pickup location identifier. To make this point even clearer, the element of associating the article identifier of a package with the identifier of a randomly selected storage bin has been added to claims 1 and 29 This further differentiates it from the prior art in showing that two different associations are made in the present system and method. The element that previously existed in the claims is the association used to group packages for delivery to a pickup location The newly added element refers to the association made at the time of delivery to load and assign a package to a storage locker bin. The prior art may show the association of a package to a storage locker (whether or not it is explicitly stated in the specification and claims of the prior art and irrespective of the differences in the timing and method of how the association is made), but none of

the prior art references demonstrate the steps of associating package identifiers with the identifier of a pickup location and then grouping packages together for delivery to the same pickup location.

Based on the foregoing amendments and the remarks set forth above, claims 1 and 29 are believed to be allowable. Withdrawal of the rejection of claims 1 and 29 is therefore respectfully requested. The claims dependent upon independent claims 1 and 29 are also believed allowable because of their dependence upon an allowable base claim and because of the further features recited.

II. Allowed subject matter.

Claims 13 and 41 are allowed. Claims 11, 12, 39 and 40 were indicated to be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims, but are additionally believed allowable due to their dependence upon allowable base claims.

III. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims

Respectfully submitted,

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Mark D. Passler
Registration No. 40,764
Sarah E. Smith
Registration No. 50,488
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000